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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,738	01/16/2004	Daryl W. Wray	MSI-1901US	6907
22801	7590	05/18/2007		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER BAHTA, KIDEST	
			ART UNIT 2125	PAPER NUMBER
			NOTIFICATION DATE 05/18/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@lechayes.com

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/759,738		WRAY ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Kidest Bahta		2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/11/07</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Trugman (US 5,887,141).

Regarding claim 1, Trugman discloses that A computer-readable medium having computer-executable instruction that enable remote execution of a command, the instructions comprising: receiving a command line instruction including a remote command, the remote command identifying a task of execution to be performed on a remote system (column 4, line 60 – column 5, line 15); initiating a session with at least two remote systems (column 5, lines 6-15; column 6, lines 41-44); and causing the remote command to be executed on each of the at least two remote systems (column 6, lines 19-33).

***Regarding claims 2-10, Trugman discloses as follow,***

2. The computer-readable medium recited in claim 1 wherein the session comprises a connection between a system on which the command line instruction is received (Fig. 2).

3. The computer-readable medium recited in claim 1, wherein the session is

initiated as a persistent session that is available to perform subsequent remote commands (column 5, lines 36-55).

4. The computer-readable medium recited in claim 3, further comprising receiving a second command line instruction including a second remote command and causing the second remote command to be executed using the persistent session (column 5, lines 27-35).

5. The computer-readable medium recited in claim 1, wherein the remote system comprises a remote computing device (Fig. 2, element 116a-e).

6. The computer-readable medium recited in claim 1, wherein the remote system comprises an alternate process (column 6, lines 19-32; column 7, lines 12-18).

7. The computer-readable medium recited in claim 1, wherein the remote system comprises an alternate application domain (column 7, lines 12-18).

8. The computer-readable medium recited in claim 1, wherein causing the remote command to be executed comprises delegating the step of causing the remote command to be executed to a controller associated with a subset of the at least two remote systems (column 4, lines 37-51).

9. The computer-readable medium recited in claim 8, wherein each of the at least two remote systems comprises a node in a hierarchical network topology and the controller holds a position in the hierarchy between the subset of the at least two remote systems and the system receiving the command line instruction (Fig. 1, Fig. 2; Abstract, column 2, lines 51-60).

10. The computer-readable medium recited in claim 1, wherein the remote command is concurrently executed on each of the at least two remote systems (column 6, lines 41-61).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over in Trugman (US 5,887,141) in view of Levin et al. (US 2003/0177187).

Regarding claims 11-13, Trugman discloses the limitations of claim 1, as stated in Par. 1 but fails to disclose the limitations of claims 11-13. However, Levin discloses

aggregating results of executing each remote command (Fig. 7); the results are aggregated into an array (Fig. 9 and 10).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Trugman with the teachings of Levin in order to provide increased flexibility in the assignment of large numbers of events to nodes and users to effect remote/mobile communications.

Regarding claims 14, 20 and 21 Trugman discloses that receiving at a local system a first command line that identifies a remote system (column 6, lines 41-44); causing a session to be created between the local system and the remote system, the session including a connection to a remote process resident on the remote system (column 5, lines 6-15; column 4, lines 60-63); causing a remote command to be executed in the remote process (column 6, lines 19-33). In addition, Trugman discloses that a session manager configured to create and maintain sessions between a local system and one or more remote systems (abstract), each session being capable of hosting a plurality of connections between the local system and remote systems (Fig. 1 and 2);

Trugman fails to disclose storing results of the remote command in an environment variable associated with the session, an aggregator configured to receive results of remote execution of a command, the results being each associated with a remote system, the aggregator being further configured to aggregate the results into an array; and a throttler configured to, upon request, limit a number of active connections within each session.

Levin discloses that storing results of the remote command in an environment variable associated with the session (Fig. 2), an aggregator configured to receive results of remote execution of a command, the results being each associated with a remote system, the aggregator being further configured to aggregate the results into an array (Fig. 7, [0154], [0293], [0531]); and a throttler configured to, upon request, limit a number of active connections within each session ([0367], [0580]).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Trugman with the teachings of Levin in order to provide increased flexibility in the assignment of large numbers of events to nodes and users to effect remote/mobile communications.

***Regarding claims 16-19 and 26-32, Trugman discloses,***

16. The computer-executable method recited in claim 14, wherein causing the session to be created comprises creating the environment variable and associating the session to the environment variable (Fig. 8).

17. The computer-executable method recited in claim 16, wherein the first command line further comprises a parameter that identifies the environment variable associated with the session (Fig. 7, column 10, lines 14-40).

18. The computer-executable method recited in claim 14, wherein the command line further identifies a plurality of remote systems (Fig. 2, element 116a-e).

19. The computer-executable method recited in claim 14, wherein the command line further identifies credentials for use in creating the session between the local system and the remote system (Fig. 2; column 7, lines 1-18).

26. The computer-readable medium recited in claim 25, wherein the other performance-based mechanisms comprise a Quality Of Service mechanism.

27. The computer-readable medium recited in claim 25, wherein the other performance-based mechanisms comprises an agent on a remote system that is configured to regulate an impact on resources on the remote system (column 7, lines 1-18).

28. The computer-readable medium recited in claim 21, further comprising a core engine configured to manage a flow of information among each of the several components (Fig. 5 and 6).

29. The computer-readable medium recited in claim 28, wherein the core engine



is further configured to delegate a task of initiating a session to another system in a hierarchy of remote systems (Abstract and Fig. 2).

30. The computer-readable medium recited in claim 21, wherein the remote system comprises a remote computing device (Fig. 2, element 116a-e).

31. The computer-readable medium recited in claim 21, wherein the remote system comprises an alternate process(column 6, lines 19-32; column 7, lines 12-18).

32. The computer-readable medium recited in claim 21, wherein the remote system comprises an alternate application domain(column 7, lines 12-18)..

**Regarding claims 15 and 22-25, Levin discloses,**

15. The computer-executable method recited in claim 14, further comprising causing a second remote command to be executed in the remote process and storing results of the second remote command in the environment variable([206], [209]).

22. The computer-readable medium of claim 21, wherein each of the results in the array is associated with the remote system on which the results originated (Fig. 6).

23. The computer-readable medium of claim 21, wherein the aggregator is further configured to make the results available in a disaggregated fashion (Fig. 45).

24. The computer-readable medium recited in claim 21, wherein the aggregator is further configured to aggregate the results into an environment variable associated with a session created by the session manager (Fig. 7).

25. The computer-readable medium recited in claim 21, wherein the throttler is further configured to interact with other performance-based mechanisms to regulate a performance impact of a remote command execution [580].


### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2125

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kidest Bahta whose telephone number is 571-272-3737. The examiner can normally be reached on Monday - Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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